

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
DOCKET NO. 2013-\_\_\_\_-C**

IN RE: )  
 )  
Application of Anderson Telephone, Inc. )  
for a Certificate of Public Convenience and )  
Necessity to Provide Resold and Facilities- )  
Based Local Exchange and Interexchange )  
Telecommunications Services in the State of )  
South Carolina, for Flexible Regulation First )  
Approved in Docket No. 97-467-C and for )  
Alternative Regulation First Approved in )  
Docket No. 95-661-C )

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT 2 AS A TRADE SECRET**

Anderson Telephone, Inc. (“Anderson” or “Applicant”), by its attorneys and pursuant to S.C. Code Ann. §§ 30, 4-40(a91), 39-8-10, et seq., S.C. Code Ann. Regs. 103-804(S)(2) and South Carolina Public Service Commission (“Commission”) Order No. 2005-226, hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, Anderson seeks protective treatment by the Commission of the commercially-sensitive financial statements attached as Exhibit 2 to Anderson’s Application for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina (“Application”). Because this Motion is an inseparable part of the Application, it is being filed concurrently with Anderson’s Application.

In support of this Motion, Anderson provides the following:

- 1. The name, address, telephone and facsimile numbers of the Applicant are:**

Anderson Telephone, Inc.  
3300 Main Street, Ste. D-191  
Anderson, SC 29621-4128  
Telephone: (855) 864-7060  
Facsimile: (855) 864-7061

**2. All correspondence, notices, inquiries, and other communications regarding this application should be addressed to:**

Jeremy C. Hodges, Esquire  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street  
Meridian, 17<sup>th</sup> Floor  
Columbia, SC 29201  
Telephone: (803) 255-9766  
Facsimile: (803) 256-7500

and

Thomas F. Bardo, Esquire  
Nelson Mullins Riley & Scarborough LLP  
101 Constitution Avenue, NW, Suite 900  
Washington, DC 20001  
Telephone: (202) 712-2817  
Facsimile: (202) 712-2839

**3. Description of Confidential Information:**

The Application requires Anderson to demonstrate financial fitness through the submission of documentation of its financial resources and its ability to provide the services for which Anderson seeks Commission authorization. As set forth in the Application, Anderson is a start-up company and consequently does not have financial statements for the past twelve months. Applicant will rely on the financial backing of TNE Global Telecom, LLC (“TNE”), and Tandem Telephone, Inc. (“Tandem”). The TNE and Tandem financial statements attached as Exhibit 2 to the Application demonstrate that TNE and Tandem have sufficient capital on hand to support Anderson’s commencement of operations in South Carolina. These documents contain highly confidential and strictly proprietary information, the public disclosure of which likely will result in direct, immediate and substantial harm to TNE, Tandem and Anderson.

Anderson respectfully requests that the financial statements submitted as Exhibit 2 to the Application be filed under seal for the sole purpose of review by the Commission and the Office of Regulatory Staff (“ORS”).

**4. Grounds for Claim of Confidentiality:**

Applicant, TNE and Tandem are not publicly-traded entities. As privately-held companies, Applicant, TNE and Tandem do not issue annual reports or submit financial reports to the U.S. Securities and Exchange Commission (“SEC”). Further, Anderson, TNE and Tandem do not disseminate such financial information to the public. The TNE and Tandem financial statements attached as Exhibit 2 to the Application contain confidential and commercially-sensitive information from which Anderson’s competitors may derive economic value. The financial statements therefore constitute a “trade secret”<sup>1</sup> as defined in the South Carolina Trade Secrets Act, the disclosure of which may confer an unfair competitive advantage on Anderson’s competitors in the provision of local exchange and long distance services in South Carolina, and in the other states where Anderson or its affiliated entities provide these services. Anderson accordingly requests that the financial statements be protected from public disclosure. In addition, the financial statements contained in Exhibit 2 qualify as a “trade secret” exempt from disclosure under the South Carolina Freedom of Information Act. *See* S.C. Code Ann. §30-4-40(a)(1).

Anderson clarifies that its request for protective treatment applies only to the financial information contained in Exhibit 2 to the Application. This Motion does not seek protective treatment for the following reports Anderson will be required to file with ORS should the relief

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<sup>1</sup> A “trade secret” is information that: “(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” *See* S.C. Code §39-8-20(5).

sought in the Application be granted: Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### CONCLUSION

Anderson respectfully requests confidential treatment for the proprietary and commercially sensitive information contained in Exhibit 2 to Anderson's Application. TNE, Tandem and Anderson are privately-held companies that do not file financial statements with the SEC. The disclosure of such information could cause substantial and direct harm to these companies. For these reasons, the Commission should protect Exhibit 2 from public disclosure.

Anderson hereby submits in a sealed envelope for in camera inspection by the Commission the material for which protection is being sought, designated as TNE and Tandem's Financial Statements, and requests that the Commission preserve the confidentiality of those documents document while this motion is under consideration and return the Financial Statements to Anderson via its undersigned counsel in the event that this motion is denied.

Respectfully submitted,



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Jeremy C. Hodges, Esquire  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street  
Meridian, 17<sup>th</sup> Floor  
Columbia, SC 29201  
(803) 255-9766

and

Thomas F. Bardo, Esquire  
Nelson Mullins Riley & Scarborough LLP  
101 Constitution Avenue, NW  
Suite 900  
Washington, DC 20001  
(202) 712-2817

*Counsel for Anderson Telephone, Inc.*

June 28, 2013  
Columbia, South Carolina


**CERTIFICATE OF SERVICE**

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Applicant, do hereby certify that I have served all parties in this matter with a copy of the pleading(s) below specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:                      Motion for Protective Treatment of Exhibit 2 to Application of  
Anderson Telephone, Inc. for CLEC and IXC Authorization in  
South Carolina

Parties Served:              Jocelyn Boyd, Chief Clerk  
SC Public Service Commission  
Post Office Drawer 11649  
Columbia, SC 29211

South Carolina Office of Regulatory Staff  
Legal Department  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

  
\_\_\_\_\_  
Kelli Martin  
Administrative Assistant

June 28, 2013